

REMARKS/ARGUMENTS

Claims 1-8 and 26-34 are active.

Support for the amendment to Claim 1 is found on pages 25-26 of the specification.

No new matter is added.

Applicants thank the Examiner for the courtesy of meeting with their undersigned representative on December 4, 2009. During this discussion, the rejection of the claims using US 5,312,833 was discussed. In this rejection, the Examiner relies upon Vadhan-Raj to allege that stimulating thrombopoietin relates to increasing platelet count.

In particular, it was noted that the Examiner included Claims 26-34 in the rejection but as apparent from the claims and as indicated in Applicants' last filed response, Claims 26-34 exclude the specific compound of the '833 patent. Therefore, these claims cannot be considered anticipated by US '833 with Vadhan-Raj. The Examiner agreed as noted in the Interview Summary of record in this case.

Further, it was explained that cancer in the prior art is not the same as thrombocytopenia and the Vadhan-Raj publication does not establish that those in need of tumor treatment are necessarily the same as those in need of increased platelets, regardless of whether when the xanthocillin X compound is administered inherently induces platelets in the cancer patients. The Examiner has not established that the prior art cited specifically targets patients in need of increased platelets. Furthermore, it cannot be disputed that the art cited in the rejection do not describe explicitly or inherently, the conditions listed in amended claim 1, i.e., thrombocytopenia caused by bone marrow transplantation, thrombocytopenia caused by surgery, thrombocytopenia caused by infection, thrombocytopenia caused by gastrointestinal bleeding, aplastic anemia, idiopathic thrombocytopenic purpura, myelodysplastic syndrome, thrombopoietin deficiency arteriosclerosis, myocardial infarction, unstable angina, and peripheral artery occlusive disease.

Application No. 10/524,666  
Reply to Office Action of October 7, 2009

Accordingly, withdrawal of the rejection is requested.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

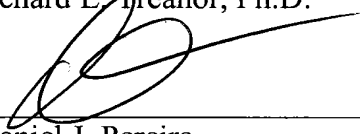
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